

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AMIL DINSIO,

Petitioner,

-against-

9:03-CV-0779 (LEK/VEB)

E.R. DONNELLY,

Respondent.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on March 17, 2011, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 96).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1(c). No relevant objections have been raised in the allotted time with respect to Magistrate Judge Bianchini's Report-Recommendation.¹ Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 96) is **APPROVED** and

¹ The Court is in receipt of an Objection from Petitioner, namely, an audio cassette tape labeled "E.G.B.P.D. FABRICATED." Dkt. No. 98. On the tape appears to be a recording of a police radio transmission. See id. The Court does not consider this a relevant objection, and advises Plaintiff that the tape will remain in the possession of the Court absent a request from Plaintiff that it be returned to him.

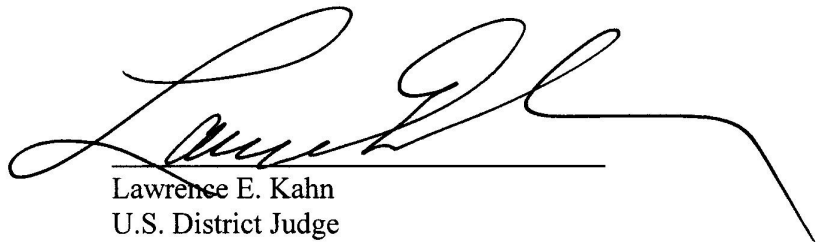
ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Petitioner's Motion to vacate the Second Circuit's Mandate be
TRANSFERRED to the United States Court of Appeals for the Second Circuit; and it is further

ORDERED, that the Clerk serve Petitioner with a copy of this Order by certified mail,
return receipt requested, and by regular mail.

IT IS SO ORDERED.

DATED: April 25, 2011
Albany, New York



Lawrence E. Kahn
U.S. District Judge